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Send to: Office of Petitions	From: Mariana Paula Noli
Company: USPTO	Date: August 21, 2008
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- ☐ Urgent
- ☐ Reply ASAP
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- ☐ For your information

Total pages, including cover: 24**Comments:**

Applicant: Anonymizer, Inc.
Title: "SECURE NETWORK PRIVACY SYSTEM"
Application No.: 10/560,725 (International Application No. PCT/US2004/20562)
Attorney Docket Number: IF03001USU

Please acknowledge receipt of the following documents:

- 1) Petition for an Extension of Time (1 page + copy);
- 2) Credit Card Payment form in the amount of \$230.00 (1 page);
- 3) Renewed Petition under 37 CFR 1.47(a) (3 pages);
- 4) Decision on Petition dated April 21, 2008 (3 pages);
- 5) Exhibit A - Declaration form signed by inventor Darya Mazandarany (4 pages);
- 6) Exhibit B - Declaration form signed by inventor Gene Nelson (5 pages); and
- 7) Exhibit C - Declaration form signed by inventor Steve Walsh (5 pages).

CERTIFICATE OF TRANSMISSION

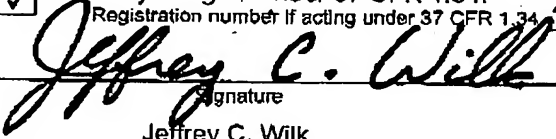
I hereby certify that this document (along with any papers referenced as being attached or enclosed) is being transmitted to the United States Patent and Trademark Office via facsimile to Fax No. (571) 273-0459, on the date set forth above.


Mariana Paula Noli

PTO/SB/22 (08-08)

Approved for use through 08/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2008 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) IF03001USU	
Application Number 10/560,725		Filed 06/25/2004	
For Secure Network Privacy System			
Art Unit Not Yet Assigned		Examiner Not Yet Assigned	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$460	\$230	\$ <u>230.00</u>
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1050	\$525	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1640	\$820	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2230	\$1115	\$ _____
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> A check in the amount of the fee is enclosed. <input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>50-2542</u> . I have enclosed a duplicate copy of this sheet. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). <input type="checkbox"/> attorney or agent of record. Registration Number _____ <input checked="" type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>42,227</u>			
 _____ Jeffrey C. Wilk Typed or printed name		August 21, 2008 _____ Date (818) 488-8148 Telephone Number	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/22 (06-08)

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

FY 2008

(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)

Docket Number (Optional)

IF03001USU

Application Number 10/560,725

Filed 06/25/2004

For Secure Network Privacy System

Art Unit Not Yet Assigned

Examiner Not Yet Assigned

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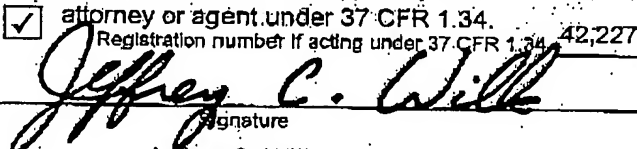
☒ Applicant claims small entity status. See 37 CFR 1.27.☐ A check in the amount of the fee is enclosed.☒ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2542. I have enclosed a duplicate copy of this sheet.

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I am the

☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☐ attorney or agent of record. Registration Number _____☒ attorney or agent under 37 CFR 1.34.Registration number if acting under 37 CFR 1.34 42,227

Jeffrey C. Wilk

Typed or printed name

August 21, 2008

Date

(818) 488-8148

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the... USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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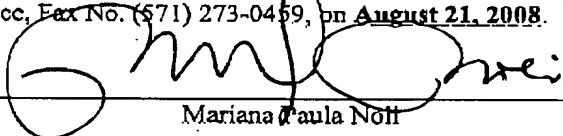
PATENT
Docket No.: IF03001USU
10/560,725

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Cottrell et al. DOCKET NO.: IF03001USU
SERIAL NO.: 10/560,725 GROUP ART UNIT: Not Yet Assigned
DATE FILED: June 25, 2004 EXAMINER: Not Yet Assigned
CONFIRMATION NO.: 8536
TITLE: SECURE NETWORK PRIVACY SYSTEM

CERTIFICATE OF TRANSMISSION

I hereby certify that this document (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-0459, on August 21, 2008.



Mariana Paula Noll

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RENEWED PETITION UNDER 37 CFR § 1.47(a)

This Renewed Petition is submitted in response to the Decision on Petition mailed April 21, 2008, a copy of which is submitted herewith. The Decision on Petition required a reply to be submitted within two (2) months of the mailing date of the Decision on Petition, which two-month date is June 21, 2008, with extensions of time permitted under 37 C.F.R. § 1.136(a). A Petition for a two-month Extension of Time extending the time to reply to August 21, 2008, and the appropriate fee are being submitted with this

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10/560,725

Renewed Petition. Therefore, this Renewed Petition is believed to have been timely filed under MPEP § 710.05.

The Decision on Petition dismissed Applicants' Renewed Petition under 37 C.F.R. § 1.47(a) filed February 14, 2008 by reason of Applicants' insufficient showing of meeting the "diligent effort" standard set forth in MPEP § 409.03(d). Subsequent to the Decision on Petition, Applicants have received copies of Declarations signed by each of inventors Darya Mazandarany, Gene Nelson, and Steven Walsh, thus rendering the rejection set forth in the Decision on Petition moot. True and correct copies of the Declarations signed by inventors Darya Mazandarany, Gene Nelson, and Steve Walsh are attached hereto as Exhibits A, B, and C, respectively.

Applicants having previously having submitted the Declarations of inventors Lance M. Cottrell, James A. Reynolds, and Peleus G. Uhley, and with the submission of the Declarations of inventors Darya Mazandarany, Gene Nelson, and Steve Walsh, Applicants request that this Renewed Petition be granted and that Applicants be deemed to have filed a Declaration of all of the inventors in compliance with 37 C.F.R. §1.497(a).

PATENT
Docket No.: IF03001USU
10/560,725

and (b) as required by the Notification of Missing Requirements issued in the above-identified patent application on 01-Sep-2006.

Respectfully submitted,
Lance Cottrell et al.

Dated: August 21, 2008

By: Jeffrey C. Wilk

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The Eclipse Group LLP
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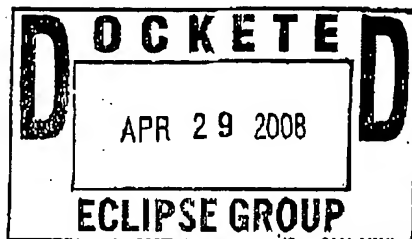
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Jennifer H. Hamilton
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In re Application of
COTTRELL *et al*
U.S. Application No.: 10/560,725
PCT No.: PCT/US2004/020562
Int. Filing Date: 25 June 2004
Priority Date: 25 June 2003
Attorney Docket No.: IF03001USU
For: SECURE NETWORK PRIVACY
SYSTEM

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 02 March 2007.

BACKGROUND

On 08 May 2007, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 02 March 2007, applicants filed a response which was accompanied by, *inter alia*, a petition to revive under 37 CFR 1.137(b) with fee; a renewed petition under 37 CFR 1.47(a); a supplemental declaration of Mariana Paula Noli; and exhibits A - G.

DISCUSSION**Petition to Revive Under 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) is hereby **GRANTED** as follows:

A renewed petition under 37 CFR 1.47 was submitted which is as an appropriate reply to the decision mailed 08 May 2007. The petition fee for a small entity has been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) are satisfied.

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Petition Under 37 CFR 1.47(a)

In the original petition under 37 CFR 1.47(a) filed 02 March 2007, applicants claimed that five of the six named inventors refused to cooperate in the above-identified application. The petition was dismissed because applicants failed to provide evidence showing that the 37 CFR 1.47(a) applicants attempted to contact the nonsigning inventors to determine their intent with regards to the subject application.

In the renewed petition, the 37 CFR 1.47(a) applicants submitted a declaration of two of the five previous nonsigning inventors. Regarding the remaining three nonsigning inventors, applicants claim that they cannot be located after a diligent effort. Section 409.03(d) of the MPEP discusses the requirements needed to show that an inventor cannot be located and states, in the relevant section:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Applicants provided a supplemental declaration by Ms. Marianna Noli who details the efforts used to locate the nonsigning inventors. These efforts consisted of contacting their client and receiving possible email addresses and telephone numbers for the three nonsigning inventors. Ms. Noli states that she sent the emails and called the numbers searching for the nonsigning inventors. These efforts proved fruitless as no response was received. No other evidence was presented listing further steps taken to locate the nonsigning inventors.

This is Insufficient. The 37 CFR 1.47(a) applicants must also conduct some type of search of the missing inventors using public records such as the internet/telephone records, Lexis etc. to meet the "diligent effort" standard noted in the MPEP. Documentary evidence of such a search should be submitted in any renewed petition.

For the reason noted above, item (2) of 37 CFR 1.47(a) is still not yet satisfied.

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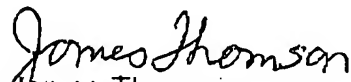
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CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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